

# FLORIDA HIGHWAY PATROL

## POLICY MANUAL



### SUBJECT

CODE OF CONDUCT: REGULATIONS

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3.03

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### 3.03.01 PURPOSE

To establish a code of conduct to be adhered to by all members of the Florida Highway Patrol.

### 3.03.02 AUTHORITY

Rules and regulations set forth herein are promulgated pursuant to the authority granted to the Director of the Florida Highway Patrol in Section 321.02, Florida Statutes. Violation of any of these provisions may constitute grounds for the imposition of disciplinary sanctions.

### 3.03.03 POLICY

It is the policy of the Florida Highway Patrol to ensure that each sworn member is fully cognizant of his/her obligations to the Department/Division, to the profession in which the member has elected to serve and to the citizens of the State of Florida. Regulations delineated herein will govern the activities of sworn members of the Division, both on and off duty.

### 3. 03.04 OBJECTIVES

- A. To promulgate regulations which will govern the performance of duties by members of the Florida Highway Patrol and the conduct of their affairs while in an on or off-duty status.
- B. To ensure that all members have knowledge that the commission of any act or omission of any act which constitutes a violation of any of the regulations, directives, policies, procedures or orders of the Division, either written or oral, whether stated in this directive or elsewhere, will constitute justification for disciplinary action.

### 3.03.05 RESPONSIBILITY

It shall be the responsibility of each member of the Florida Highway Patrol to conform to the Code of Conduct.

### 3.03.06 REGULATIONS

- A. The regulations set forth in this directive shall apply to all sworn members of the Florida Highway Patrol.

1. Members will uphold the Constitutions of the United States and the State of Florida, obey all federal, state and local laws in which jurisdiction the member is present, and comply with court decisions and orders of courts.
2. A conviction for violation of any law, other than traffic infractions, shall constitute prima facie evidence of a violation of this directive.
3. Members will promptly obey any lawful orders of a superior. This will include orders relayed from a superior by a person of the same or lesser rank or by a duty officer via radio.
4. Members who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive will respectfully inform the supervisor issuing the order of the conflict. If the superior issuing the order does not alter or retract the conflicting order, the order will stand. Under these circumstances, the responsibility for the conflict will be upon the superior officer. Members will obey the conflicting order and will not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
5. Members will not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, members will request the issuing officer to clarify the order or obtain his/her permission to confer with higher authority.
6. Members will conduct themselves on and off-duty in such a manner so that their actions and behavior reflect favorably on the Division. Members will not engage in conduct which discredits the integrity of the Division or its employees, or which impairs the operations of the Department/Division.
7. Members will maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Members will not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers or causes the Florida Highway Patrol to be brought into disrepute.
8. Members will report for duty at the time and place required or report their inability to do so by notifying their supervisor or another superior officer two hours prior to the beginning of their tour of duty. Members will not leave their assigned duty posts during a tour of duty except when authorized by proper authority. Members will be physically and mentally fit to perform their duties. They will be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Any legally issued subpoena shall constitute an order to report for duty.
9. Members will respond in a prompt manner appropriate to the circumstances when dispatched or ordered to respond to a situation. Postponing response or failure to respond will be grounds for disciplinary action.
10. Members will not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of this Division or any other governmental agency or any individual authorized to conduct such an inquiry as to the condition of their health.

11. Members will remain awake while on duty. If unable to do so, they will notify their superior officer, who will determine the proper course of action.
12. Members will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members will perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Division. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of the laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; or absence without leave. In addition, other indications of unsatisfactory performance are: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department or Division.
13. Members will not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the member or the Division, if it may be reasonably be inferred that the person, business, or organization:
  - a. Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty.
  - b. Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

Acceptance of door prizes and gifts at conferences where the member is representing the Department or Division will be governed by Management Manual Policy #004, Section IV.M.
14. Members will not use their official position, official identification cards, or badges for:
  - a. Personal or financial gain for themselves or others.
  - b. Obtaining privileges not otherwise available to them except in the performance of duty.
  - c. Avoiding consequences of illegal acts.
15. Members will not lend to another person their identification cards or badges, or permit them to be photographed or reproduced without the approval of the Director.
16. Members may accept reward moneys. However, no member will accept or solicit any fee or compensation growing out of the performance of official duties unless authorized by the Division Director. Moneys or property which is found in the performance of official duties may not be personally retained by the member but will revert to the State.

17. Members will not authorize the use of their names, photographs or official titles which identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Director.
18. Members will not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service or commercial service (such as an attorney, ambulance, or towing service) when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance. Members will proceed in accordance with established Division procedures. This will not include any recommendation made in the performance of official duties which is in the best interest of the Division and does not provide benefit to the officer, or his family and/or personal or business associates.
19. Members will be courteous to the public. Members will be tactful in the performance of their duties, will control their tempers, and exercise the utmost patience and discretion and will not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, members will not use coarse, violent, profane or insolent language or gestures, and will not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.
20. Members will carry their identification cards (and badge when carrying a weapon) on their person at all times, except when impractical or dangerous to their safety or to an investigation. Members will make every effort to ensure the security and safekeeping of the identification card and badge at all times. They will furnish their name and identification number to any person requesting that information, when they are on-duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
21. When any person needs assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established procedures.
22. Except as necessary in the performance of official duties, or where unavoidable because of family relationships, members will avoid regular or continuous associations or dealings with persons whom they know, or should know, are under criminal investigation or indictment, or who have a reputation in the community or the Division for present or past involvement in felonious or criminal behavior.
23. Except in the performance of duty or while acting under proper and specific orders from a superior officer, members will not knowingly visit, enter or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the state or local jurisdiction are violated.
24. Members will not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer.

25. Members will not publicly criticize or ridicule the Department or Division, its policies or other employees by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department or Division, interferes with the maintenance of discipline or is made with reckless disregard for truth.
26. Members will not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge information or any other matters of the Division while holding themselves out as representing the Division in such matters without the approval of the District/Troop Commander/Division Director.
27. Members will not accept compensation, honorariums or permit their expense to be paid by sources other than the State of Florida for speaking or writing assignments performed as part of their official duties unless specifically authorized by the Director or his/her designee.
28. Members will not undertake any financial obligations which they know or should know they will be unable to meet and will pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition will not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster will not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken. Members will not co-sign a note for any superior officer.
29. Members shall ensure that their supervisor, the Troop Commander and the duty station to which they are assigned are aware of their current residence address and telephone number at which they can be contacted for emergency notification/call out purposes. Any changes must be reported to components/personnel referenced above within 48 hours after they take place.
30. Members will not interfere with cases being handled by other members of the Division or by any other governmental agency unless:
  - a. Ordered to intervene by a superior officer.
  - b. The intervening member reasonably believes that a manifest injustice would result from failure to take immediate action. When intervention occurs, a report of such intervention will be made to a superior officer as soon as possible.
31. Members will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate police action.
32. Members will treat the official business, evidence, documents and photographs of the Division as confidential. Information regarding official business will be disseminated in accordance with established procedures. Members may remove or copy official records or reports from a police installation only in accordance with established procedures. Members will not divulge the identity of persons giving confidential information except as authorized by proper

authority or release items of evidence, documents, photographs, etc., to members of the news media or others outside the criminal justice system without the express permission of the applicable Deputy Director.

33. Involvement in political activities will not be permitted during members' on-duty time. Political activities include soliciting or receiving any contribution for any political party or cause, or storing, posting, carrying or distributing political literature of any nature. Specifically, Florida Statutes provide that members shall not:
  - a. Hold or be a candidate for public or political office while in the employment of the State or take any active part in a political campaign while on-duty or within any period of time during which they are expected to perform services for which they receive compensation from the State. However, when authorized by the agency head and approved by the Department of Management Services, employees in the career service may be a candidate for or hold a local public office which involves no interest which conflicts or interferes with that state employment.
  - b. Use authority of their position to secure for or oppose any candidate, party or issue in a partisan election or affect the results thereof.
  - c. Use any promise of reward or threat of loss to encourage or cause any employee to support or contribute to any political issue, candidate or party.
  - d. Perform any police duty connected with the conduct of any election.
34. Members will submit all necessary reports on time in accordance with established procedures. Reports submitted by members will be truthful and complete, and no member will knowingly make false statements, charges or allegations in connection with any citations, warnings, assistance rendered, crash reports, field reports, investigative reports, computer entries or by any other means which creates an official record of the Department or Division.
35. Property or evidence which has been discovered, gathered, or received in connection with official responsibilities will be processed in accordance with established procedures, as specified in Chapter 12 of this Manual.
36. Members will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established procedures.
37. Members will not make false accusations of a felony, misdemeanor, traffic, petty offense or administrative charge.
38. Members will utilize Division equipment only for its intended purpose, in accordance with established Division procedures and will not abuse or damage Division equipment. Members will use reasonable care to avoid loss of equipment. All equipment issued to members will be maintained in proper order.

39. Members will operate vehicles in a careful and prudent manner, and will obey all laws and all Division directives pertaining to such operation. Loss or suspension of any driver license will be reported to the Division immediately.
40. Upon the order of the Director, Deputy Director or a superior officer, members will truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Division which may be asked of them.
41. Members are required to truthfully answer questions by, or render material and relevant assistance to, competent authority pursuant to any official investigation undertaken by the Florida Highway Patrol. However, this rule shall not supersede the member's Constitutional rights concerning self-incrimination if the investigation indicates that criminal prosecution will be brought against the member from which such statements/assistance is sought.
42. Members will not mistreat persons who are in their custody. Members will handle such persons in accordance with law and Division procedures.
43. Members will not use more force in any situation than is reasonably necessary under the circumstances. Members will use force in accordance with procedures outlined in Chapter 10 of this Manual.
44. Members will not make any arrest, search or seizure which they know or should know is not in accordance with law and Division procedures.
45. Except when acting under proper and specific orders from a superior officer, members on-duty will maintain a neat, well-groomed appearance in accordance with Chapter 6 of this Manual.
46. Members will not consume intoxicating beverages while on-duty except in the performance of duty, and in those instances, never to the extent that the member's ability to perform an official assignment or function is impaired.
47. Members will not appear for duty while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.
48. Except in the performance of duty, members in uniform will not enter any establishment or place where the principle business is the sale of alcoholic beverages.
49. Members will not operate official vehicles after consuming alcoholic beverages while on-duty or in uniform unless such consumption is necessitated by the nature of a duty assignment. In any case, members will not operate Division vehicles after consuming alcoholic beverages to the point of impairment.
50. Members, while off-duty, will refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Division, or renders the members unfit to report for their next regular tour of duty.
51. Members will not possess or use cannabis or any controlled substances except when prescribed by law and Division directives or by a physician or dentist.

When controlled substances are prescribed or other medication is being used, members will notify their superior officer if the use will affect their job performance.

52. Members will not store or bring into any police facility or vehicle alcoholic beverages, controlled substances, cannabis derivatives, except alcoholic beverages, controlled substances, or cannabis derivatives which are held as evidence, used for training or other official capacity.
53. Members will reside within the State of Florida, and will comply with the provisions of Chapter 5 of this Manual regarding the location of such residence.
54. Personal activities or associations of a member that knowingly create an apparent or real conflict of interest with the conduct of official duties are prohibited. A "conflict of interest" arises when a member's private interest, whether of a financial nature or otherwise, conflicts with the member's impartial conduct of official duties and responsibilities.
55. Members will notify supervisory personnel when they receive an assignment involving a person or group with whom the member has had social, business, or other relationships of a nature that might impair or give the appearance of impairing the member's impartiality or independence in the conduct of an assignment.
56. Any employee who, without the approval of a supervisor, fails to appear when scheduled to work shall be considered absent without authorized leave and will be disciplined according to the Department's disciplinary standards. The employee shall also be subject to all procedures outlined in Rule 60K-4.010(2), Florida Administrative Code.
57. Members will, upon being subpoenaed, attend court or quasi-judicial hearings. When appearing in court on Division matters or investigations, either the official uniform or clothing conforming to standards imposed on members working in plain clothes will be worn. Weapons will not be displayed unless wearing the uniform. Members will present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court.
58. Any member personally subpoenaed to testify in any trial or hearing will notify a supervisor upon receipt of the subpoena, notice, or request to do so. This provision does not apply to subpoenas received and logged in accordance with the Court Attendance and Verification policy.
59. Any member who has knowledge of actual or suspected criminal activities or is about to conduct a criminal investigation will notify a supervisory officer orally or in writing.
60. Members will not obstruct any investigation by destroying, altering, concealing or disguising real evidence, or by planting false evidence or furnishing false information to lawful authority.
61. Members will not induce a witness or any other person who has knowledge regarding any issue under investigation by the Division, or any other law enforcement agency, to make false statements, withhold information, conceal

information, absent themselves or otherwise fail to cooperate with lawful investigating authorities.

62. A member will not volunteer to testify in civil actions and will not testify unless lawfully and properly subpoenaed or when directed to do so by the member's commanding officer upon the advice of the Division legal section. If a subpoena arises out of Department or Division employment or if the member is informed that he/she is a party to a civil action arising out of Department or Division employment, he/she will immediately notify his/her commanding officer of the service or notification and of the testimony he/she is prepared to give. Members and employees will not enter into any financial understanding for appearances as witnesses prior to any trial.
63. Members will confer with their supervisors before giving a deposition or affidavit in a civil matter.
64. Members will not serve civil process or assist in civil cases unless the specific consent of the Director is obtained.
65. When a member becomes aware that he/she is the subject of an investigation by a government agency other than the Florida Highway Patrol, he/she will immediately notify his/her commanding officer and inform him/her of the circumstances surrounding the incident being investigated, the agency conducting said investigation and what actions he/she has taken to resolve the matter.
66. Members shall not submit to any interview or give a statement concerning the performance of their official duties to any officer or official of another agency, either federal, state, or local, without first informing their Troop Commander.  
  
When a law enforcement officer or an agent from another law enforcement agency requests a member of the Florida Highway Patrol to submit to an interview concerning a non-duty related issue, the member shall inform the Troop Commander as soon as possible. Participation in the interview shall be at the discretion of the member.
67. Whenever a member is subpoenaed to testify in a civil or criminal proceeding other than Department or Division related, the member will appear and testify on his/her own time and will provide his/her own transportation. The appearance and testimony will be made in appropriate civilian attire.
68. Members will not engage in any conduct that constitutes sexual harassment as herein defined. The term sexual harassment, within the context of Department and Division employment includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

- c. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- 69. Members will not engage in any conduct that constitutes racial, ethnic, or gender harassment as herein defined. The term racial, ethnic, or gender harassment, within the context of Department/Division employment, includes any action which may reasonably be interpreted as derogatory to a particular race, ethnicity, or gender and such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

## B. REGULATIONS FOR SUPERVISORS

- 1. Supervisory personnel will be responsible for subordinates' adherence to Department or Division rules, regulations, policy, orders, directives and procedures.
- 2. Supervisors are responsible and accountable for the maintenance of discipline and will provide leadership, supervision and example to ensure the efficiency of Division operations.
- 3. Supervisors are responsible for the job performance and development of all subordinates placed under them.
- 4. Authority and functions may be delegated to subordinates but responsibility remains with the supervisor who made the assignment.
- 5. Supervisory personnel remain answerable and accountable for all job related failures on the part of their subordinates when the supervisor was aware of the potential for failure and failed to take the appropriate action to correct the deficiency.